REMARKS

In accordance with the foregoing, claims 19-28 and 33-43 are pending and under consideration. Claims 19 and 20 have been amended. No new matter is included in this amendment.

Allowable Subject Matter:

At page 3 of the Office Action the Examiner indicates that claims 39-43 are allowed and that claims 21-28 and 33-35 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

The Objection:

At page 2 of the Office Action, claim 20 is objected to because of informalities. Claim 20 has been amended to more clearly recited the conditions wherein the light from the light compensating source does not reach the scanning menas.

The Rejection:

At page 2 of the Office Action, claim 19 is rejected as being anticipated by U.S. Patent 5,969,272 to Stavely et al.

Claim 19 has been amended as set forth above.

In the film scanner of the present invention, it is important to position the first and second light source sections such that the first light source is provided in a position on the light axis, and the light compensating means is provided with a domain from where light does not directly reach the scanning means (e.g., the CCD).

By means of this arrangement, the second light source section is useable solely for eliminating scratch images, and will not influence light-source unevenness correction of the first light source section when there is no surface unevenness such as the scratch in the film negative (page 83, lines 4-15, of the specification).

Further, due to the foregoing arrangement, when the film negative is a normal film which is free of scratches and the like, light from the second light source section does not reach the scanning section after passing through the film negative.

On the other hand, when a comparatively shallow scratch is formed on the film negative,

light from the first light source passing through some portion other than the scratch reaches the scanning means, and light from the second light source section refracted by the scratch reaches the scanning means. Thus, a situation in which the image recorded at the scratch does not reach the scanning means does not arise.

Then, by illuminating both the first and second light sources and projecting condensed light and scattered light in a suitable ratio, an image free of scratch image is obtainable by the CCD.

Further, even when the scratch is deep, the scratch image alone is correctable by recognizing the scratch image. Thus, it is possible to print out a preferable image which is free of scratch images (page 84, line 11, to page 88, line 7, of the specification).

Stavely et al. relates to a method and apparatus for detecting surface defects and the like on a transmissive image in an optical image scanner and correcting the resulting scanned image. Surface defects and the like are detected by providing a separate scan using infrared light or by measuring light (white or infrared) that is scattered or diffracted by the defects and the like. Separate optical paths for illumination may be used, or separate optical paths for intensity measurement may be used. Image processing may then be used to correct areas in the normal scan corresponding to defects identified in the separate scan (Abstract).

According to the description from column 4, line 56 to column 5, line 65, and Fig. 3, of Stavely et al. that was pointed out by the Examiner, the while light source 302, the infrared light source 304, the transmissve image medium (film) 300, and the photosensor 310 respectively correspond to the second light source, the first light source, the film recording an original image, and the scanning means of the present invention.

Stavely et al. merely discloses that the image processing is performed in accordance with light intensity of the white light and the infrared light, and does not disclose that “condensed light projected from said first light source does not reach said scanning means after being refracted by a scratch area of the film and reaches said scanning means after passing through some portion other than the scratch area of the film, and scattered light projected by said light compensating means reaches said scanning means after being refracted by the scratch area of the film and does not reach said scanning means after passing through some portion other than the scratch area of the film,” as recited in claim 19.

Thus, claim 19, as amended, distinguishes over the Stavely et al.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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